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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,133	08/26/2003	Cin Kim	04394/000M881-US0	5524
7278	7590	11/18/2004	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			SMITH, JAMES G	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

027

<b>Office Action Summary</b>	<b>Application No.</b> 10/650,133	<b>Applicant(s)</b> KIM, CIN	
	<b>Examiner</b> James G Smith	<b>Art Unit</b> 3765	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/20/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. The drawings were received on 1/20/2004. These drawings are acceptable.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 5-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Pazeotopoulos (4,655,375). Pazeotopoulos discloses a tie holder for attaching a tie to a shirt button. The holder has a flexible body, a tie slot (detail 28) for placement of the tie therein, and a narrow channel (detail 22e) is formed in the body of the holder between opposite projecting members that extends to an interior mouth (detail 22f) for receiving the button threads. With respect to Claim 2, the flexible body is generally elliptically shaped and the tie slot is aligned with a major axis of the flexible body. With respect to Claim 3, FIG. 7 shows the tie slot in a first plane and the interior mouth in a second plane different than the first plane when the tie is attached to the shirt. With respect to Claim 5, the channel has a two-dimensional funnel access that is sized to receive the button threading. With respect to Claim 6, the flexible body is indented along the hinge line connecting the first and second planes of the body permitting the flexible body to be folded, positioning the tie slot out of plane with the interior mouth. With respect to Claim 7, the flexible body is made of plastic, which is inherently resilient, and positions the necktie away from the shirt when in use. (FIG. 7) With respect to Claim 8, the pin

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portion 24 extends away from the tie slot and modifies the force applied to the necktie by the holder. With respect to Claim 9, the holder is used to secure a shirt and tie together by attaching the holder to a shirt by passing a selected shirt button into a channel in the flexible holder, seating the button threading into the mouth of the channel, disposing a length of necktie in a tie slot of the flexible holder, folding the necktie over the flexible holder to conceal the holder, and bending the holder to position the necktie over the button. With respect to Claim 10, the button that is passed through the channel is proximate to the shirt collar.

#### ***Allowable Subject Matter***

4. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: Claim 4 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims because of the specific requirement that the first and second planes intersect at a hinge line that defines an acute angle therebetween.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James G Smith whose telephone number is 571-272-4994. The examiner can normally be reached on 8:00-5:00, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on 571-272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS  
11/15/04



KATHERINE MORAN  
PRIMARY EXAMINER